IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3798 OF 2006

Anoop Babani .. Applicant
Versus
State of Maharashtra & Ors. .. Respondents

Mr.M.K.Kochrekar with R.M.Sawant for applicant
Mr.R.Y.Mirza, A.P.P. for State
Mr.A.P.Mundargi, Senior Advocate with Niranjan Mundargi for respondent Nos. 2 and 3.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 30th November 2006.

P.C.

. Heard Mr.Kochrekar for petitioner, Mr.Mirza, A.P.P. for State, respondent No.1 and Mr.Mundargi, learned Senior Counsel for respondent Nos. 2 and 3.

2. Applicant is the first informant and at his instance C.R.No.66 of 2006 is registered by

respodnent No.1. Respondent Nos. 2 and 3 are shown as accused in the said C.R.

3. While under arrest and detention in judicial custody, they moved an application for bail before Additional Sessions Judge, Mumbai being Bail Application No.1800 of 2006.

4. Said application has been allowed and the respondent Nos. 2 and 3 have been enlarged on bail in the sum of Rs.25,000/- each with further conditions.

5. After this application was argued for some time, Mr.Kochrekar does not press for cancellation of this bail but states that considering the nature of the offences and further the respondent Nos. 2 and 3 being unavailable for considerable length of time, it would be appropriate if a further condition is placed that the passports which are deposited

with the I.O. are not returned to them. There is an apprehension that the accused would not be available at the trial.

6. Mr.Mundargi does not dispute that such a condition could be imposed in the present facts and circumstances. He does not dispute that the passports are deposited with I.O. They shall be retained by him and unless directed by the trial court, they shall not be handed over to the accused - respondent Nos. 2 and 3.

7. In the light of the above, this application is disposed of by directing that in addition to the conditions imposed by the learned Additional Sessions Judge, respondent Nos. 2 and 3 shall also abide by the condition imposed by this Court. It is clarified that they shall not leave Maharashtra state without prior permission of the trial court.

(S.C.Dharmadhikari, J)